

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COACH, INC. and COACH SERVICES, INC.,

Plaintiffs,

Case No. 11-cv-12638

v.

RICHIE'S PLAYHOUSE INC. d/b/a
Luxury Replicas and Mega Mall,
RICHARD L. KELLEY, JR.,
BRYNN KELLEY, and
UNKNOWN DEFENDANTS 1-10 (John Does),

Paul D. Borman
United States District Judge

Laurie J. Michelson
United States Magistrate Judge

Defendants.

ORDER (1) BIFURCATING LIABILITY AND DAMAGES PHASES OF THE TRIAL AND
(2) SETTING DATES FOR THE LIABILITY PHASE OF THE TRIAL

The Court held a Final Pretrial Conference in this action on July 10, 2013. As discussed at the Final Pretrial Conference, the Court will bifurcate the liability and damages phases of the trial. The United States Court of Appeals for the Sixth Circuit has summarized the analysis for the bifurcation of a trial under Fed. R. Civ. P. 42(b):

A court may bifurcate a trial in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy. In determining whether separate trials are appropriate, the court should consider several facts, including the potential prejudice to the parties, the possible confusion of the jurors, and the resulting convenience and economy.

Wilson v. Morgan, 477 F.3d 326, 339 (6th Cir. 2007) (internal citations and quotation marks omitted); *Saxion v. Titan-C-Mfg., Inc.*, 86 F.3d 553, 556 (6th Cir. 1996) (recognizing the decision to bifurcate a trial is within the discretion of the district court and can be made on its own motion).

Accordingly, the case will proceed to trial as to liability only, and against Defendant Brynn Kelley only, on December 3, 2013. The following schedule will govern this liability phase:

Motions <i>in limine</i> due:	September 20, 2013
Responses due:	October 4, 2013
Replies due:	October 11, 2013
Hearing on motions <i>in limine</i> :	November 1, 2013 at 2:00 p.m.
Jury trial begins:	December 3, 2013 at 9:00 a.m.

Separate motions *in limine* shall be filed as to each issue presented. Motions that refer the Court to the applicable Federal Rule of Evidence, without citation to relevant supporting case law, are highly disfavored. The Court will not entertain motions *in limine* on the issue of damages at this time. The damages phase of the trial will be scheduled following the jury determination as to the liability of Defendant Brynn Kelley.

IT IS SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: July 11, 2013

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 11, 2013.

s/Deborah Tofil
Case Manager